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### REMARKS

Claims 1-6, 8, and 9 were pending and remain pending.

#### *Allowable subject matter*

Applicants acknowledge with thanks the Examiner's determination that claim 5 would be allowable if rewritten in independent form.

#### *Telephone Interview*

The Examiner and the Applicants' Agent conducted a telephone interview on June 23, 2004 to discuss the claim rejections based on the Azima reference. The Examiner took the position that the term "tension" in claim 1 means "any force" and that Azima meets the "any force" limitation because its connecting element 3 is under compression and/or shear (see Figure 4 in Azima). Applicants' Agent disagreed and argued instead that "tension" in this context more reasonably means "forces acting to pull an object apart," not any force, so that Azima's compression and shear do not meet the claimed tension. The Examiner and the Applicants' Agent did not reach agreement on this issue.

#### *Claims 1-4, 8, and 9 are novel under 35 U.S.C. § 102*

Claims 1-4, 8, and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,003,766 to Azima et al. ("Azima").

As noted above, the Examiner acknowledged that Azima's Figure 4 shows a connecting member 3 that is under compression or possibly shear and not under expansive forces that would tend to pull it apart. Nevertheless, the Examiner takes the position that claim 1's "tension" reads on Azima's compression because the term "tension" includes any force.

In response, Applicants respectfully ask the Examiner to reconsider this interpretation of "tension." In common physics usage, the term "tension" refers to a linear stress in an object caused by forces tending to pull the object apart. For example, Artley's

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*Fields and Configurations* physics textbook (New York: Holt, Rinehart and Winston, Inc., 1965) on page 276 (copy attached to this response) defines tension as resulting from forces applied that tend to expand the object. Artley describes tension as the opposite of compression, where the forces tend to compress the object. Similarly, the Compact Oxford English Dictionary (Second Edition, Oxford: Clarendon Press, 1991) defines "tension" in the physics sense as:

a constrained condition of the particles of a body when subjected to forces acting *in opposite directions* away from each other (usually along the body's greatest length), thus tending to draw them apart, balanced by forces of cohesion holding them together; the force or combination of forces acting in this way, [especially] as a measurable quantity. (The *opposite of compression or pressure*). (emphasis added)

A copy of the relevant page of the Oxford English Dictionary is attached at the end of this Response.

Applicants' specification and drawings use the term "tension" in this well-understood sense. The double arrow "P" in Figure 3 shows that the connecting element 17 is subjected to forces in opposite directions that tend to pull the connecting element apart. The specification reiterates this view at page 6, lines 10-16:

Excellent sound reproduction is achieved by placing the cover layers 14.o, 14.u of the panel 11 under mechanical tension. ***The tension in the connecting elements 17 which is indicated in Fig. 3 by the double arrow P***, is achieved in the embodiment illustrated in Fig. 1 by stretching the regions of the connecting element 17 that are in contact with the installation wall 16, in the x- and y-direction (Fig. 1) after the panel 11 is inserted in the opening 15, but before these regions are connected with the installation wall 16. (emphasis added)

For these reasons, Applicants suggest that the broadest reasonable interpretation of tension is "expansive forces acting in opposite directions that tend to pull an object apart." If this interpretation is adopted, then Azima's compression does not meet it, and the subject matter of claim 1 is not anticipated.

Applicants also respectfully ask the Examiner to reconsider the rejections of the claims dependent on claim 1.

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With particular reference to claim 2, Applicants point out that Azima does not disclose that "at least one of the cover layers of the respective sound radiating panel extends to the periphery." The Examiner stated in the Final Office Action that Azima's Figure 2a shows cover layer 21 extending to the periphery 1. Applicants do not understand the Examiner's assertion, because Figure 2a distinctly shows that suspension 3 is interposed between the cover and the periphery.

With particular reference to claim 4, Applicants point out that Azima does not disclose that "the periphery is formed by at least one additional panel." The Examiner stated in the Final Office Action that Azima's Figure 2a shows an additional panel that is represented by reference number 1. Applicants ask the Examiner to reconsider this interpretation because reference element 1 is used by Azima exclusively to refer to a frame. See Azima's col. 2, line 57, col. 3, lines 13-14, and col. 5, line 34, which are the only references to element 1. Azima never teaches or suggests that element 1 could be another panel.

With particular reference to claim 9, Applicants point out that Azima does not teach that "a mechanical tension in the at least one connecting element is different from the mechanical tension in the at least one tensioned cover layer." The Examiner stated in the Final Office Action that the different tensions are inherent. However, as discussed above, Azima does not teach "tension" as understood in the art and as contemplated by the specification and claims of this application.

For these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

***Claim 6 is nonobvious under 35 U.S.C. § 103(a)***

Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Azima. The Examiner stated, "it would have been obvious to set the panel speaker to reproduce low frequency as claimed because it would have been a designer's choice to set a system to reproduce a certain range of frequency in an audio [signal]."

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In response, Applicants respectfully traverse the rejection because claim 6 depends from allowable claim 1. Hence, claim 6 is itself allowable at least for this reason. Applicants accordingly request reconsideration and withdrawal of the rejection.

### CONCLUSION

Applicants have responded to all issues raised by the Examiner and therefore consider this Amendment to be fully responsive to the Final Office Action.

The Examiner is invited to call the undersigned at (617) 832-1176 or at the telephone number listed below to discuss any question concerning this case.

Respectfully submitted,  
FOLEY HOAG LLP



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